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In The
Supreme Court of the United States

October Term, 1973

No. 73-1686

BLOOMFIELD-MESPO LOCAL SCHOOL DISTRICT
and
FARMINGTON LOCAL SCHOOL DISTRICT

Petitioners,

v.

STATE BOARD OF EDUCATION,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF APPEALS, ELEVENTH APPELLATE DISTRICT, TRUMBULL COUNTY, OHIO

BRIEF FOR RESPONDENT IN OPPOSITION

OPINIONS BELOW

The order of the Supreme Court of Ohio dismissing the appeal to that court as of right for the reason that

no substantial constitutional question existed therein, and the order overruling Petitioners' motion to order the Court of Appeals to certify the record are set forth in the appendix attached hereto at p. 1a.

The unreported opinion and journal entry of the Court of Appeals, Eleventh Appellate District, Trumbull County, Ohio are set forth in the Petition at pp. 2a and 7a, respectively.

The unreported opinion of the Court of Common Pleas, Trumbull County, Ohio is set forth in the Petition at p. 10a.

The two unreported findings and recommendations of the Referee of the State Board of Education are set forth in the Petition at pp. 36a and 43a.

JURISDICTION

Respondents submit that for the reasons set forth in Part I, Reasons For Denying the Writ, *infra* at p. 8, Petitioners have improperly sought a writ of certiorari addressed to an intermediate state appellate court, and this Court is therefore without jurisdiction under 28 U.S.C. § 1257(3).

QUESTION PRESENTED

Whether the Due Process Clause of the Fourteenth Amendment is violated in a state administrative proceeding, wherein the Petitioner local public school districts contested revocation of their state school charters for noncompliance with minimum state educational standards, by the referee's refusal to permit cross-examination of the Respondent's witnesses concerning alleged noncompliance with the standards by other local school districts where (a) Petitioners failed to proffer any such evidence from their witnesses on direct examination, (b) the record is devoid of any abuse of discretion or arbitrary enforcement of

minimum state educational standards, and (c) noncompliance with minimum educational standards by other school districts is irrelevant [redacted] in the administrative proceeding.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution, Amendment 14, Section 1:

". . . nor shall any State deprive any person of life, liberty, or property, without due process of law; . . ."

Ohio Revised Code, Section 119.09, Administrative Procedure Act:

"The agency shall pass upon the admissibility of evidence, but a party may at the time make objection to the rulings of the agency thereon, and if the agency refuses to admit evidence, the party offering the same shall make a proffer thereof, and such proffer shall be made a part of the record of such hearing."

Ohio Revised Code, Section 119.12, Administrative Procedure Act:

". . . Any party desiring to appeal shall file a notice of appeal with the agency setting forth the order appealed from and the grounds of his appeal. A copy of such notice of appeal shall also be filed by appellant with the court. . . ."

"Unless otherwise provided by law, in the hearing of the appeal the court is confined to the record as certified to it by the agency. Unless otherwise provided by law, the court may grant a request for the admission of additional evidence when satisfied that such additional evidence is newly discovered and could not with reasonable diligence have been ascertained prior to the hearing before the agency. . . ."

"The court may affirm the order of the agency complained of in the appeal if it finds, upon consideration of the entire record and such additional evidence as the court has admitted, that the order is supported by reliable, probative, and substantial evidence and is in accordance with law."

Ohio Revised Code, Section 3301.07:

"The state board of education shall exercise under the acts of the legislature general supervision of the system of public education in the state of Ohio. In addition to the powers otherwise imposed on the state board under the provisions of law, such board shall have the following powers:

(A) It shall exercise policy forming, planning and evaluative functions for the public schools of the state . . .

(B) It shall exercise leadership in the improvement of public education in Ohio . . .

(D) It shall formulate and prescribe minimum standards to be applied to all elementary and high schools in this state for the purpose of requiring a general education of high quality . . ."

Ohio Revised Code, Section 3301.16:

"Pursuant to standards prescribed by the state board of education as provided in division (D) of section 3301.07 of the Revised Code, such board shall classify and charter school districts and individual schools within each district. Such board shall revoke the charter of any school district or school which fails to meet the standards for elementary and high schools as prescribed by the board. In the issuance and revocation of school district or school charters, the state board of education shall be governed by the provisions of Chapter 119, of the Revised Code. In case a school district charter is revoked pursuant to this section, the state board of education may dissolve the school district and transfer its territory to one or more adjacent districts. . . ."

STATEMENT OF THE CASE

After a hearing, the Respondent State Board of Education revoked the charters of the Petitioner local school districts for failure to comply with the minimum educational standards for high schools as prescribed by the State Board pursuant to R. C. Section 3301.07. The grounds for revocation were that Petitioner Bloomfield-Mespo failed to meet 46 minimum standards and Petitioner Farmington failed as to 43 such standards. Petitioners admit that such findings were substantiated. Petition, p. 9. The orders of revocation were to become effective on June 30, 1971.[1]

---

[1] Respondent feels compelled to point out a basic fallacy in Petitioners' Statement of the Case. Petitioners suggest that these proceedings began in 1963, but in fact these proceedings began in May, 1971 as clearly appears from the record. Throughout this litigation Petitioners have wrongly labored under the basic misconception that the present proceedings were somehow a continuation of the 1963 case. This misconception was not only factual but also of a legal nature.

In 1967, R. C. Section 3301.16 was amended, the effect of which was to render inoperative the 1966 decision of the Seventh Ohio Appellate District (the predecessor of the Eleventh District) in *Bristol Local School District* v. *Board of Education*. Nos. 1669-1671 (June 16, 1966), a matter of state law recognized and accepted by all of the courts reviewing this matter. Additionally, new state minimum educational standards were adopted in 1968. Indeed, the record in the 1971 proceedings rendered the earlier *Bristol* decision inapplicable, as was specifically found by the Court of Common Pleas (Petition, p. 25a) and the Court of Appeals:

> "The appellee districts contended below that the standards are unreasonable, since many schools do not meet all of these standards. The Common Pleas Court pointed out . . . that the instant case does not contain substantial evidence as to numerous violations of the standards throughout the State of Ohio. We agree. There may have been evidence to that effect in 1966 in the [Bristol] case, but there is no similar evidence in the present case. Hence the logic for following that decision . . . is lost." Petition, p. 4a.

Petitioners appealed the orders of revocation to the Trumbull County Common Pleas Court pursuant to R. C. Section 119.12, wherein each Petitioner asserted in its notice of appeal that the order was "not supported by reliable, pertinent or substantial evidence, is not in accordance with law" and "constituted an abuse of discretion." The notices of appeal are reprinted in the appendix hereto, at pp. 2a, 3a.

The Court of Common Pleas, after a hearing permitting Petitioners to introduce additional evidence, found the state minimum educational standards to be reasonable; that Petitioners were in violation of the standards; but that the application of the standards was unreasonable because the State Board had not provided alternative plans for the operation of the district prior to revocation of the charters. Petition, p. 35a. The Court then enjoined Respondent from revoking the charters "until specific alternatives have been presented to the local boards."

The Respondent State Board appealed to the Court of Appeals, Eleventh Appellate District, Trumbull County, Ohio, which court reversed the decisions of the Common Pleas Court. The Court of Appeals held that the 1968 minimum state standards were reasonable, that Petitioners were in violation thereof, that the revocation order was supported by reliable, probative and substantial evidence, and that the standards had been properly applied because R.C. Section 3301.16 did not require the State Board to provide a specific plan of transfer or consolidation prior to revoking a school charter for noncompliance with minimum state standards. Petition, p. 8a. The Court of Appeals said in its opinion that:

> "Although capable of exercising some discretion, when all parties agree that compliance of both districts to minimum state standards is totally lacking, it would be an abuse of discretion not to apply the standards uniformly. There is no reason, under the standards . . . for some students in Trumbull County

to enjoy lesser educational advantages than all areas of the state . . . ."

Petition, p. 5a.

Upon reversal, the Court of Appeals remanded to the State Board of Education for further proceedings.

Petitioners sought review by the Supreme Court of Ohio by motion to order the Court of Appeals to certify its record[2] and by appeal as of right.[3] In their Memorandum in Support of Claimed Jurisdiction, Petitioners for the first time raised the federal constitutional claims which they now assert in this Court, together with several state constitutional claims. On December 7, 1973, the Supreme Court of Ohio overruled Petitioners' motion to certify and dismissed the appeal as of right for the reason that "no substantial constitutional question exists herein." Both orders are reprinted in the appendix hereto, at p. 1a. Petitioners' motion for rehearing was overruled on January 18, 1974. (Petition, p. 1a).

On April 5, 1974, Petitioners requested a 60 day extension of time to apply for a writ of certiorari to the Supreme Court of Ohio alleging that the opinion of the Court of Appeals indicated that these proceedings "involve important federal constitutional questions." After Respondent objected to such delay, Petitioners again stated in their Reply that the constitutional issues did not emerge until after the decision of the Court of Appeals.

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[2] Article IV, § 2(e), Constitution of the State of Ohio, gives the Supreme Court of Ohio jurisdiction to review any case certified by a court of appeals pursuant to Article IV, § 3(B)(4).

[3] Article IV, § 2 of the Constitution of the State of Ohio provides:

"(2) The supreme court shall have appellate jurisdiction as follows:

(a) In appeals from the courts of appeals *as a matter of right* in the following:

(iii) Cases involving questions arising under the constitution of the United States or of this state." [Emphasis supplied.]

REASONS FOR DENYING THE WRIT

I. Petitioners have improperly sought a writ of certiorari addressed to an intermediate state appellate court, rendering this Court without jurisdiction under 28 U.S.C. § 1257 (3)

Petitioners seek review under 28 U.S.C. § 1257 (3) of the judgment and opinion rendered herein by an intermediate state appellate court. This is plainly incorrect, where as here, the highest state court has reviewed and decided this cause. In *Van Huffel* v. *Harkelrode*, 284 U.S. 225 (1931), this Court held that where the Supreme Court of Ohio dismissed an appeal as of right on the ground that no debatable constitutional question was involved, a petition for a writ of certiorari to the intermediate Ohio appellate court would not lie and that the only decision which could be reviewed on certiorari was the decision of the Supreme Court of Ohio.[4]

Petitioners themselves say that the Ohio Supreme Court, wherein Petitioners first raised the federal constitutional claims asserted here, "considered and rejected" those claims on the merits. Petition, pp. 16-17. Respondent respectfully submits that if any judgment can be reviewed herein, it is the judgment of the Ohio Supreme Court and not the Court of Appeals for Trumbull County wherein Petitioners concede that no federal constitutional issues were raised or decided. Thus, Petitioners' request for a writ of certiorari should be denied.

II. Petitioners lack standing to raise the federal constitutional claims asserted.

This Court has often held that one subdivision of a state government does not have standing to allege the

[4]The *Van Huffel* decision reaffirmed the rule announced in *Tumey* v. *Ohio*, 273 U.S. 510, 515 (1926). A writ of certiorari is properly addressed to the Ohio Supreme Court when it is that court's judgment which is to be reviewed regardless of which lower court may possess parts of the record. *See Burns* v. *Ohio*, 360 U. S. 252 (1959).

deprivation of federal constitutional rights by another subdivision of the same state government. *See, e.g., Williams* v. *Baltimore,* 289 U.S. 36 (1933); *Trenton* v. *New Jersey,* 262 U.S. 182 (1923). Here, all parties are subdivisions of state government but at different levels. The State Board of Education is a subdivision of state government by virtue of the state constitution.[5] The petitioning local school districts are also subdivisions of state government, but they exist by virtue of a charter from the State Board pursuant to law.[6]

Petitioners seek to raise a federal constitutional claim arising out of an attempt by the State Board to restructure two noncomplying school districts with the purpose of providing a general education of high quality to students in northern Trumbull County. As state government subdivisions themselves, however, Petitioners have no standing to contest such action because Petitioners are not "persons" within the meaning of the Fourteenth Amendment.[7]

Petitioners' reliance upon *Pierce* v. *Society of Sisters,* 268 U.S. 510 (1925), to give them standing is completely

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[5] Article VI, § 4 of the Constitution of the State of Ohio.

[6] R. C. Section 3301.16, *supra* at p. 4.

[7] Federal due process rights cannot be asserted by one state government subdivision against another when the former is either altered or done away with. The only issue is whether the alteration was made in compliance with state law. *Laramie County* v. *Albany County,* 92 U.S. 307 (1876); *Risty* v. *Chicago, R.I. & P.Ry,* 270 U.S. 378, 390 (1926); *Baker* v. *Carr,* 369 U.S. 186, 290, n. 23 (1962) (Frankfurther, J., dissenting).

In *Smith* v. *Indiana,* 191 U.S. 138 (1903), it was established that a petitioner seeking a writ of error to a state court must have a *personal* interest in the litigation and not simply an *official* interest. *See also County Court of Braxton County* v. *West Virginia,* 208 U.S. 192 (1908). This concept is also followed in Ohio. *State, ex rel. Hostetter* v. *Hunt,* 132 Ohio St. 568, 9 N. E. 2d 676 (1937). In the instant case, petitioners have no personal interest to assert.

unfounded. Petitioners have ignored the obvious distinguishing factor – in *Pierce*, the petitioner was a *private* corporation operating a *private* school, and the Court accorded it standing to protect its "business enterprise." To the contrary, Petitioners here are *public* School districts which exist by virtue of *state law*.

The Petitioners' complete lack of standing serves to place this controversy in proper perspective as a local dispute between two state government subdivisions as to the best way to educate students in the public schools of Ohio,[8] a dispute which cannot be adjudicated in this Court.

III. Petitioners failed to raise any federal constitutional issues in a timely and appropriate manner.

Petitioners assert a deprivation of federally guaranteed due process rights on the ground that they were not permitted to adduce evidence at the administrative hearing as to the allegedly arbitrary enforcement of minimum state school standards.[9] The Petition repeatedly states that the local school districts could not have raised this issue until review by the Supreme Court of Ohio. Here, Petitioners have a basic misconception of the law. Respondent respectfully submits that Petitioners failed to properly and timely raise the asserted federal constitutional claims at their first opportunity, which was of course, on their appeal from the administrative decision of the State Board of Education to the Court of Common Pleas pursuant to R. C. Section 119.12.

---

[8] Contrary to what Petitioners appear to urge upon the Court at pp. 17-20 of the Petition, the record is completely silent as to the merits of small versus large or decentralized versus centralized schools. In any event, such issues are matters of state educational concern and irrelevant here.

[9] As discussed at Part IV, *infra*, this allegation is without foundation in the record.

The notices of appeal filed pursuant to R. C. Section 119.12 to the Trumbull County Court of Common Pleas, pp. 2a and 3a, *infra*, noticeably lack any reference to a claim that Petitioners were denied due process because they were not given an opportunity to proffer testimony or to cross-examine witnesses. Moreover, Petitioners' Brief in the Court of Common Pleas does not include a single reference to any federal constitutional claims.

Petitioners' total failure to raise any federal constitutional issue in a timely manner renders this Court without jurisdiction in this matter. *Bailey* v. *Anderson*, 326 U.S. 203, 206-207 (1945). Indeed, the Supreme Court of Ohio's dismissal for want of a substantial constitutional question could well have been grounded upon any of several adequate state grounds, including Petitioners' failure to raise any federal constitutional claim before their appeal to the Supreme Court of Ohio,[10] or upon the equally valid state ground that one subdivision of state government cannot raise federal constitutional deprivations in a case against another such subdivision.[11]

Additionally, Petitioners did not assign any errors of federal constitutional dimensions by way of cross-appeal

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[10] *Hamlin* v. *McAlpin Co.*, 175 Ohio St. 517, 196 N.E.2d 781 (1964); *Clarington* v. *Althar*, 122 Ohio St. 608, 174 N.E. 251 (1930). This adequate state ground also explains the overruling of Petitioners' Motion for Rehearing.

The party attempting to invoke this Court's jurisdiction has the burden of making an affirmative showing by the record that the federal question was properly raised, so that the failure of the state court to deal with it in precise terms cannot be considered as grounded upon want of proper presentation. *Street* v. *New York*, 394 U.S. 576 (1969); *Bailey* v. *Anderson*, 326 U.S. 203 (1945). Petitioners admit that they failed to raise any federal constitutional question until their appeal to the Supreme Court of Ohio and cannot now be excused for their total failure to raise the issue at the proper time.

[11] *State, ex rel. Hostetter* v. *Hunt*, 132 Ohio St. 568, 9 N.E.2d 676 (1937).

from the decision of the Court of Common Pleas, even though that court found the minimum state educational standards to be reasonable and properly applied except in that alternative plans had to be offered before revocation of Petitioners' charters.[12]

Under the holding in *Stembridge* v. *Georgia*, 343 U.S. 541 (1952), the action of the highest state court in refusing, without an opinion, to hear a case on appeal precludes review on writ of certiorari by this Court where the federal constitutional issues were not timely raised under state procedure. Even "when the question of the existence of an adequate state ground is debatable," this Court is without jurisdiction in such instances. *Stembridge*, 343 U.S. at 547-548. Here, of course, there are several readily apparent adequate state grounds for the decision of the Supreme Court of Ohio dismissing Petitioners' appeal as of right.

IV. Petitioners were afforded a full and fair hearing with the opportunity to be heard and to cross-examine witnesses.

Petitioners were afforded a full and fair hearing in every respect. This case is completely unlike the cases cited by Petitioners at p. 21. Unlike *Goldberg* v. *Kelly*, 397 U.S. 254 (1970), where individual welfare recipients were afforded no hearing before termination of benefits, the Petitioner school districts were afforded notice and a full hearing. Unlike *Armstrong* v. *Manzo*, 380 U.S. 545 (1965), these Petitioners were given notice of the hearing. And unlike *Ohio Bell Telephone Co.* v. *Public Utilities Commission*, 301 U.S. 292 (1937), these Petitioners have no complaint regarding action taken solely on the basis of administrative notice. The mere fact that Petitioners can

[12]The Supreme Court of Ohio does not rule upon any question presented unless the record certified by the court of appeals discloses that the issue was presented by appeal or by cross-appeal and passed upon by the intermediate appellate court. *See, e.g., Presley* v. *Norwood*, 36 Ohio St. 2d 29, 303 N.E.2d 81 (1973); *Winslow* v. *Ohio Bus Line Co.*, 148 Ohio St. 101, 73 N.E.2d 504 (1947).

only cite such clearly distinguishable cases indicates the weakness of their position.

Petitioners have attempted to urge a federal constitutional claim based upon the referee's refusal to allow Petitioners to cross-examine Respondent's witness as to the number of other schools not in full compliance with minimum state standards. However, Petitioners cannot deny that they were given the opportunity to proffer such testimony on direct examination of their own witnesses. Petitioners obviously failed to make their own case, if they in fact had a case. The record is quite clear that Petitioners failed upon direct examination to offer any evidence of noncompliance by other schools, by proffer or otherwise.[13]

In any event, and entirely aside from the evidentiary deficiency in the record to support Petitioners' claims here, evidence of noncompliance of other schools was not relevant evidence in the administrative proceeding. Violation of valid standards by some schools does not excuse compliance with the standards by all other schools.[14]

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[13]R.C. Section 119.09 specifically provides that upon objection the party offering evidence shall make a proffer for the record.

The referee concluded in his report that:

> "[T]he record does not appear to contain, by way of proffer or otherwise, any expert testimony on the issue of the reasonableness of the standards or the manner of their application." Petition, pp. 38a, 45a.

The Court of Common Pleas said:

> "The record . . . does not contain substantial evidence as to numerous violations of the standards by schools throughout the State of Ohio." Petition, p. 25a.

The Court of Appeals agreed that there was no substantial evidence in the record of violations by other schools. Petition, p. 4a.

[14]In the leading Ohio case on this precise issue, *Board of Education of Aberdeen-Huntington Local School District* v. *State Board*, 116 Ohio App. 515, at 521 (1962), *appeal dismissed for want of a debatable constitutional question*, 174 Ohio St. 321 (1963), the court concluded that "the doctrines of substantial compliance or comparative compliance with the minimum standards do not apply" where a school fails to meet over 20 minimum educational requirements.

V. This case does not involve any substantial federal constitutional issues.

Despite Petitioners' strained attempt to present this case as one of nationwide import, the record and the governing law clearly establish that this case involves only a dispute between two local school districts and the State Board of Education as to the best method of improving the quality of education available to students residing in two school districts in the northern part of Trumbull County, Ohio.[15] The Ohio Constitution and the laws prescribed thereunder charge the State Board with the responsibility for providing a general education of high quality. The state law contemplates a large degree of cooperation between the local school district and the State Board but clearly gives the State Board the higher authority where the local district fails to meet minimum standards.

This Court has said that education, although a most important benefit provided by a state, is not a federal constitutional right, *San Antonio School District* v. *Rodriquez*, 411 U.S. 1, 35 (1973), and that a state "always has a legitimate concern for maintaining minimum standards in all schools it allows to operate." *Lemon* v. *Kurtzman*, 403 U.S. 602, 613 (1971). The Constitution of the State of Ohio places the responsibility for public education in the Respondent State Board. The state legislature has charged the State Board with the responsibility for providing a general education of high quality to all students and has provided the Board with the statutory authority to adopt and enforce minimum state standards to ensure the intended result in all areas of the state.

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[15]Even if one could find some support in the record for Petitioners' assertion that the State of Ohio is attempting to consolidate small, rural school systems, Respondent respectfully suggests that the Petitioners themselves admit that this Court "is not the forum . . . to evaluate the educational merits of Ohio's program." Petition, p. 19.

The Court of Appeals decision herein captured the very essence of the importance of having a state board to ensure compliance with minimum state educational standards throughout the state:

> "There is no reason, under the standards set up by the Ohio Board of Education, for some students in Trumbull County to enjoy lesser educational advantages than all others in the state. . . ."
>
> "[T]he effect of the [revocation] orders was not to deprive the pupils of an opportunity for education, but to set the machinery in motion to eliminate the continuance of deprivation of educational rights." Petition, p. 5a.

Throughout this litigation Petitioners have sought to save their charters at the expense of the quality of education available to pupils who attend their schools. Everyone agrees that Petitioners have not met minimum standards.[16] The only dispute goes to the procedure under state law which must be followed to correct the educational deficiencies existing in the Petitioners' schools. Respondent respectfully submits that this state law issue has been conclusively decided by the courts of the State of Ohio, and only regrets that the needed improvement of the educational opportunities for the affected school children has been so long delayed by this litigation.

---

[16] At the Bloomfield-Mespo hearing before the referee, counsel for the Petitioners stated:

> "We don't seriously contend that the Bloomfield-Mespo School District meets all of the standards . . . We recognize that there are some that we are absolutely deficient in." Petition, p. 37a.

CONCLUSION

For all of the foregoing reasons, the petition for a writ of certiorari should be denied.

Respectfully submitted,

WILLIAM J. BROWN
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Columbus, Ohio 43215

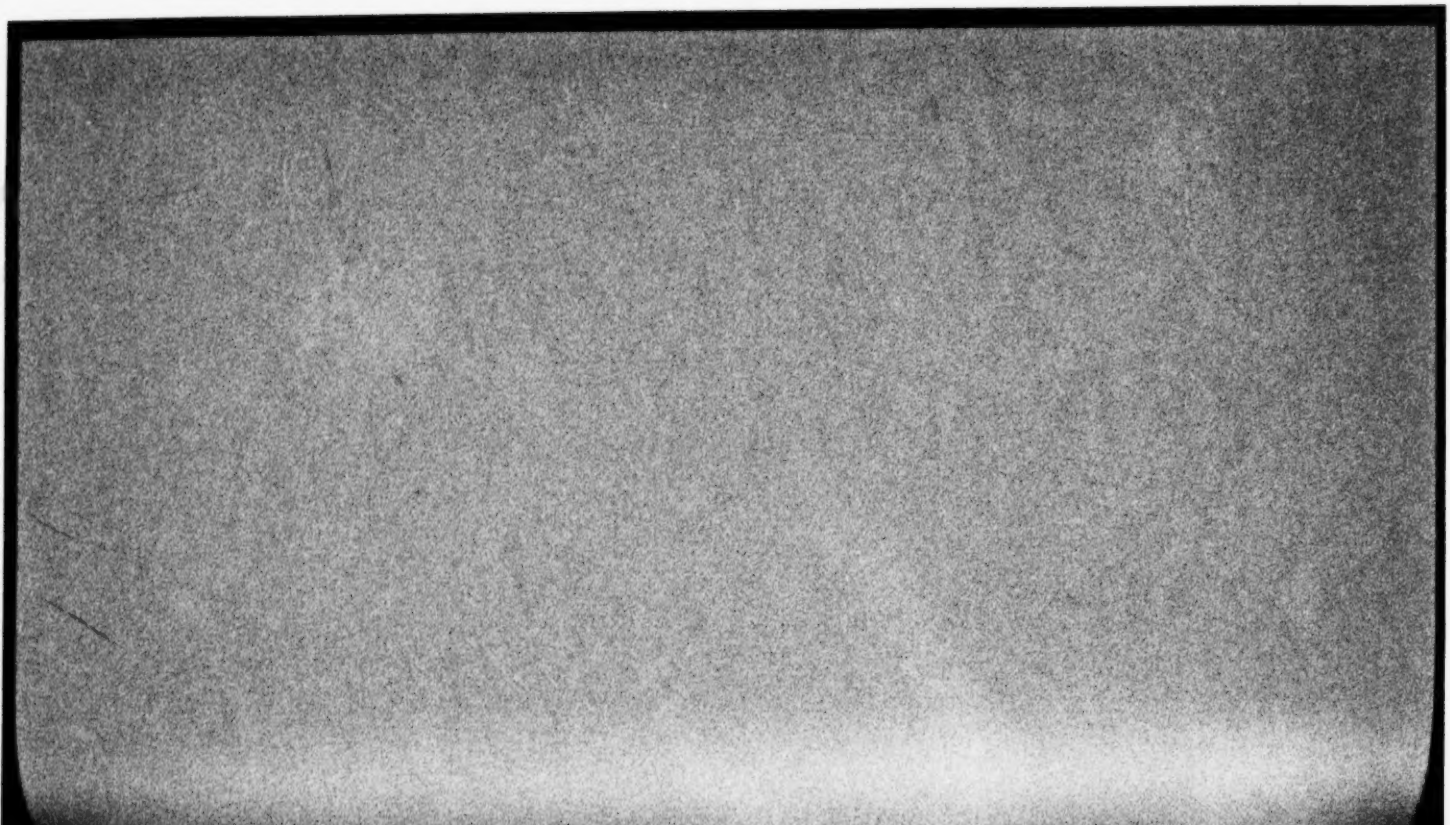
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May 31, 1974

APPENDIX



APPENDIX

THE SUPREME COURT OF OHIO
1973 Term

THE STATE OF OHIO, City of Columbus. } To wit: December 7, 1973

BLOOMFIELD-MESPO LOCAL SCHOOL DISTRICT ET AL.,
Appellants,
vs.
STATE BOARD OF EDUCATION,
Appellee.

No. 73-829
Appeal From the Court of Appeals for Trumbull County

This cause, here on appeal as of right from the Court of Appeals for Trumbull County, was heard in the manner prescribed by law, and, no motion to dismiss such appeal having been filed, the Court sua sponte dismisses the appeal for the reason that no substantial constitutional question exists herein.

THE SUPREME COURT OF OHIO
1973 Term

THE STATE OF OHIO, City of Columbus. } To wit: December 7, 1973

BLOOMFIELD-MESPO LOCAL SCHOOL DISTRICT ET AL.,
Appellants,
vs.
STATE BOARD OF EDUCATION,
Appellee.

No. 73-829
Motion for an Order Directing the Court of Appeals for Trumbull County To Certify Its Record

It is ordered by the Court that this motion is overruled.

COURT OF COMMON PLEAS

TRUMBULL COUNTY, OHIO

BLOOMFIELD-MESPO LOCAL SCHOOL DISTRICT

Plaintiff

vs.

BOARD OF EDUCATION OF THE STATE OF OHIO

Defendant

No. 81992

Notice of Appeal

The Bloomfield-Mesop [sic] Local School District hereby gives notice of its intention to appeal to the Common Pleas Court of Trumbull County the resolution of the Ohio State Board of Education passed at its meeting on June 14, 1971 revoking the charter of the Bloomfield-Mespo Local School District, Trumbull County.

The grounds of appeal are that the order is not supported by reliable, pertinent or substantial evidence, is not in accordance with law and the actions of the State Board of Education in issuing said order constituted an abuse of discretion.

Respectfully submitted.

BLOOMFIELD-MESPO LOCAL SCHOOL DISTRICT

By /s/ LYNN B. GRIFFITH

Lynn B. Griffith
Attorney for Plaintiff

COURT OF COMMON PLEAS

TRUMBULL COUNTY, OHIO

FARMINGTON LOCAL SCHOOL DISTRICT

Plaintiff

vs.

BOARD OF EDUCATION OF THE STATE OF OHIO

Defendant.

No. 81993

Notice of Appeal

The Farmington Local School District hereby gives notice of its intention to appeal to the Common Pleas Court of Trumbull County the resolution of the Ohio State Board of Education passed at its meeting on June 14, 1971 revoking the charter of the Farmington Local School District, Trumbull County.

The grounds of appeal are that the order is not supported by reliable, pertinent or substantial evidence, is not in accordance with law and the actions of the State Board of Education in issuing said order constituted an abuse of discretion.

Respectfully submitted.

FARMINGTON LOCAL SCHOOL DISTRICT

By /s/ LYNN B. GRIFFITH

Lynn B. Griffith
Attorney for Plaintiff